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BILL ANALYSIS



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Senate Bill 578 (as introduced 6-30-21)
Sponsor: Senator Winnie Brinks
Committee: Health Policy and Human Services

Date Completed: 9-9-21

CONTENT

The bill would amend the Public Health Code to allow the Chief Medical Executive to issue a standing order for the purpose of a community-based organization or a staff member of the organization distributing opioid antagonists to individuals.

Section 17744e of the Code allows the Chief Medical Executive in the Office of Chief Medical Executive created within the Department of Health and Human Services (DHHS) to issue a standing order that does not identify particular patients when it is issued for the purpose of a pharmacist dispensing opioid antagonists to individuals. ("Opioid antagonist" means naloxone hydrochloride or any other similarly acting and equally safe drug approved by the United States Food and Drug Administration for the treatment of drug overdose.)

Under the bill, the Chief Medical Executive also could issue a standing order that did not identify particular patients when it was issued for the purpose of a community-based organization or a staff member of the organization distributing opioid antagonists to individuals. "Community-based organization" would mean a public or private organization that provides health or human services to meet the needs of a community, including a nonprofit organization, a social service provider, or an organization providing substance use disorder prevention, treatment, recovery, or harm reduction services. The term would not include an agency as that term is defined in the Administration of Opioid Antagonists Act (i.e., a governmental agency).

Generally, a pharmacist may dispense an opioid antagonist to an individual under a standing order issued as described above and rules promulgated under Section 17744e. Under the bill, this also would apply to a community-based organization or a staff member of the organization.

The Chief Medical Executive who issues a standing order for an opioid antagonist or a pharmacist who dispenses an opioid antagonist under a standing order is not liable in a civil action for damages resulting from the dispensing of an opioid antagonist or the administration of or failure to administer the opioid antagonist. Under the bill, this also would apply to a community-based organization that, or a staff member of the organization who, distributed the opioid antagonist as authorized under the bill.

Section 17744e requires the Department of Licensing and Regulatory Affairs (LARA), in consultation with the DHHS, to promulgate rules regarding dispensing, training, and referral to implement Section 17744e. Instead, under the bill, LARA, in consultation with the DHHS, *could* promulgate rules regarding dispensing, training, *distribution*, and referral to implement Section 17744e.

MCL 333.17744e

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Raczowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.